

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	
)	
PATRICK RAYMOND CLIFT)	CASE NO. 19-90046
)	CHAPTER 7
DEBTOR)	
_____)	

MOTION FOR RELIEF FROM AUTOMATIC STAY
AND ABANDONMENT OF PROPERTY

Comes now Flagship Credit Acceptance (“Flagship”), a secured creditor, by counsel, and respectfully moves the Court to terminate the automatic stay imposed by 11 U.S.C. Section 362 as to the collateral, and to abandon Flagship’s collateral described herein. As basis therefor, Flagship states as follows:

1. That Patrick Raymond Clift (the “Debtor”) is indebted to Flagship pursuant to a Retail Installment Contract and Security Agreement, with a current outstanding balance in the amount of \$18,116.20, plus interest, costs and attorney fees.

2. That in order to secure said indebtedness, the Debtor granted to Flagship a security interest in a 2015 Jeep Compass; VIN 1C4NJDEB2FD125829.

3. That the Debtor has failed to adequately protect Flagship’s interest in its collateral by failing to make payments to Flagship on its collateral. Upon information and belief, the Debtor is past-due for September, 2018.

4. That said collateral is of no, or inconsequential, value to the estate and should be abandoned from the estate because the Debtor has valued same at \$12,000.00 in his Schedule A/B. Thus, there is no equity in excess of the lien, and any claimed exemptions, and the probable cost of liquidation.

5. Flagship further respectfully moves the Court to waive the applicability of Rule 4001(a)(3) because upon information and belief, the Debtor is past-due for September, 2018. The Debtor has indicated in his Statement of Intention that he wishes to surrender the collateral.

WHEREFORE, Flagship respectfully requests that this Court enter the attached Order terminating the automatic stay and abandoning the property, and that Flagship be awarded its attorneys fees and costs incurred in the bringing of this motion.

Respectfully submitted,

/s/ Lisa Koch Bryant
Lisa Koch Bryant
Tilford Dobbins & Schmidt, PLLC
401 West Main Street, Suite 1400
Louisville, Kentucky 40202
(502) 584-1000
Attorney No. 2960-98
COUNSEL FOR
FLAGSHIP CREDIT ACCPETANCE

VALIDATION NOTICE

Pursuant to 15 U.S.C.S. Section 1692g(a), take notice that:

1. The amount of the debt is \$18,116.20.
2. The name of the creditor to whom the debt is owed is Flagship Credit Acceptance.
3. Unless you dispute the validity of the above debt, or any portion thereof, within 30 days of your receipt of this Notice, the debt will be assumed to be valid.
4. If you notify our office in writing within 30 days of your receipt of this Notice that the debt, or any portion thereof is disputed, we will obtain verification of the debt or a copy of any judgment that may be of record against you. Such verification or copy of judgment will be mailed to you.
5. Upon your written request within 30 days of the receipt of this Notice, we will provide you with the name and address of the original creditor, if different from the creditor listed in paragraph (2) above.
6. This is an attempt to collect a debt and any information obtained will be used for that

purpose.

This advice pertains to your dealings with me as a debt collector. It does not affect your dealings with the Bankruptcy Court, and in particular it does not change the time in which you must respond and/or object to the Stay Relief Motion and Notice for Objection attached hereto. The Notice for Objection is a command from the Bankruptcy Court, not from me, and you must follow its instructions even if you dispute the validity or amount of the debt. The advice contained herein also does not affect my relations with the Bankruptcy Court. As a lawyer, I may file papers in your case according to the Bankruptcy Court's rules and the Judge's instructions.

/s/ Lisa Koch Bryant
Lisa Koch Bryant
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401 West Main Street, Suite 1400
Louisville, Kentucky 40202
(502) 584-1000
Attorney No. 2960-98
COUNSEL FOR
FLAGSHIP CREDIT ACCEPTANCE

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was this 27th day of March, 2019, served by electronic mail or regular mail upon the following:

Mark S. Zuckerberg
429 N. Pennsylvania St., Ste 100
Indianapolis, Indiana 46204

US Trustee
101 W. Ohio St., Ste 1000
Indianapolis, Indiana 46204

Charity S. Bird
PO Box 81
New Albany, Indiana 47151

Patrick Raymond Clift
1090 SR 46 E
Batesville, Indiana 47006

/s/ Lisa Koch Bryant
Lisa Koch Bryant